

### **REMARKS**

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-28 were pending prior to the Office Action and remain pending. Claims 1, 6, and 10 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Allowable Subject Matter***

Applicants appreciate that claims 1-29 are indicated as allowed.

#### ***Claim Objections***

The Examiner has objected to claims 1, 3, 19, and 21 as allegedly containing informalities. Applicants have addresses these objections through this Reply and respectfully request that the objections be withdrawn.

#### ***35 U.S.C. § 112, 2nd Paragraph Rejection***

Claims 1, 4, 6-14, 16, 21, 24-26, and 29 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Initially, Applicants disagree with the Examiner's assertion that the term "and/or" renders the claims indefinite. The Examiner's reliance upon MPEP § 2173.05(d) is noted, however this section is directed towards exemplary language. The limitation "and/or" is not exemplary language and is therefore not *per se* indefinite. Applicants respectfully submit that the Examiner's focus during examination for compliance with the requirement of definiteness in § 112, 2nd paragraph is whether the claim meets the threshold requirements of clarity and precision. To do this, the Examiner needs only ensure that the claims define the invention with a reasonable degree of particularity and distinctness. *See MPEP § 2173.02.*

Applicants submit that the claims clearly define that the term "and/or" is meant such that the features associated with the term are to be read either conjunctively or in the alternative. Thus, the scope of the claim is clear and definite and therefore comports with the requirements of 35 U.S.C. § 112, 2<sup>nd</sup> paragraph.

The remaining allegations of indefiniteness on page 3 of the Office Action have been addressed through this Reply.

Applicants respectfully request that the 35 U.S.C. § 112, 2<sup>nd</sup> paragraph rejection of claims 1, 4, 6-14, 16, 21, 24-26, and 29 be withdrawn.

### **CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 9, 2009

Respectfully submitted,

By 

Michael K. Mutter

Registration No.: 29,680

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant